

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Emily Hainze	Team: Team # 6	CCRB Case #: 200805989	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 11/26/2007 1:00 AM	Location of Incident: 34-16 Astoria Boulevard	Precinct: 114	18 Mo. SOL 5/26/2009	EO SOL 5/26/2009	
Date/Time CV Reported Fri, 04/25/2008 5:17 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Fri, 04/25/2008 5:17 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Kimberly Washington	01693	928232	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Kimberly Washington	Abuse: PO Kimberly Washington threatened to arrest § 87(2)(b) <span style="background-color: black; color: black;">[REDACTED]</span>	

## Synopsis

On November 26, 2007, § 87(2)(b) went to the 114th Precinct stationhouse to retrieve the police report for an accident he was in approximately a week before. The officer that took the report at the accident scene, PO Kimberly Washington, was sitting at the front desk, and gave § 87(2)(b) the police report. When § 87(2)(b) read the report, he was angry that the report did not accurately reflect his side of the story, and told this to PO Washington. PO Washington told § 87(2)(b) she would not change the report, and when § 87(2)(b) protested, PO Washington asked § 87(2)(b) if he wanted to spend the night in the stationhouse (Allegation A). § 87(2)(b) then left the stationhouse.

§ 87(2)(g)

## Summary of Complaint

On April 25, 2008, § 87(2)(b) called the CCRB, and left a message on the Call Processing System regarding an incident that occurred on November 26, 2007. § 87(2)(b)'s complaint was initially eligible for mediation, § 87(2)(b)

§ 87(2)(b). On May 1, 2008, § 87(2)(b) was interviewed at the CCRB. § 87(2)(b) is a § 87(2)(b)-year-old Asian male who stands 5'9". His CCRB statement, consistent with his initial statement, is summarized as follows (encl. 3A-3D):

On approximately November 26, 2007, at approximately 1:00 AM, § 87(2)(b) went to the 114th Precinct stationhouse to speak to PO Washington. § 87(2)(b) was involved in a car accident on § 87(2)(b), and wanted to retrieve the police report from PO Washington, who had been on the scene, completed the report, and given § 87(2)(b) a receipt for the police report that included her name and tax number. § 87(2)(b) was unsure as to the exact date he went to the 114th Precinct stationhouse. He estimated that he went to the precinct stationhouse on November 26, 2007, but believed he might have gone to the stationhouse a week or more after that date. Before § 87(2)(b) visited the stationhouse, he called the stationhouse several times, and was told by personnel that PO Washington was out line of duty, but would return to the stationhouse in the near future.

When § 87(2)(b) arrived in the precinct stationhouse on approximately November 26, 2008, PO Washington, whom § 87(2)(b) described as a black female with a medium to heavy build and hair in a ponytail, was sitting at the front desk by herself. § 87(2)(b) recognized PO Washington from the accident, and PO Washington, who was doing paperwork when § 87(2)(b) approached her, produced the police report for him. When § 87(2)(b) read the report, he observed that PO Washington had only recorded the other driver's side of the story. § 87(2)(b) was angry, and explained to PO Washington that she had created an unfair record of the event. PO Washington responded, "Well, that's how it's going to be." § 87(2)(b) again attempted to explain his experience in the accident to PO Washington, and PO Washington again stated that she would not change the report. PO Washington then asked § 87(2)(b) "Do you want to spend the night here?" (referring to the stationhouse) which § 87(2)(b) interpreted as a threat. § 87(2)(b) did not respond to this question, but instead left the precinct stationhouse. There were no other officers or civilians near to the desk, where § 87(2)(b) and PO Washington interacted. § 87(2)(b) had a hearing for his car insurance claim on § 87(2)(b).

## Results of Investigation

### **Subject Officer Statement: PO Kimberly Washington**

On May 22, 2008, PO Kimberly Washington was interviewed at the CCRB (encl. 6A-6B). PO Washington is a black female who stands 5'6" and weighs 150 lbs. PO Washington is assigned to the 114th Precinct and has six years tenure at the NYPD. PO Washington has no relevant memo book entries; she was out line of duty during the time of incident. PO Washington was off-duty due to a line of duty accident until December 10, 2008, after which she was assigned to desk duty in the precinct stationhouse. Her statement is summarized as follows:

PO Washington had no recollection of interacting with § 87(2)(b) in the 114th Precinct stationhouse on any date, and was off-duty (due to a line of duty accident) and not in the stationhouse on November 26, 2007. When shown a photo of § 87(2)(b) as well as the handwritten accident report

which she completed, PO Washington recollected that § 87(2)(b) was involved in an accident she responded to. PO Washington recalled no notable interaction with § 87(2)(b) during that accident. PO Washington did not recall discussing the accident report with § 87(2)(b) at any time after the accident occurred. PO Washington did not recall § 87(2)(b) being upset about the accident report at the precinct stationhouse. At no time did PO Washington threaten to have § 87(2)(b) spend the night in the precinct stationhouse, or threaten to arrest § 87(2)(b).

#### **NYPD Documents**

The Motor Vehicle Report for accident § 87(2)(b) (encl. 5A-5C) confirms that on § 87(2)(b), PO Washington was the officer responding to the accident that occurred between § 87(2)(b) and § 87(2)(b) on 31<sup>st</sup> Street and 34<sup>th</sup> Avenue in Queens.

#### **Criminal History**

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

#### **CCRB Histories**

§ 87(2)(b) has never before filed a complaint with the CCRB (encl. 1B).  
PO Washington has no substantiated CCRB allegations (encl. 1A).

### **Conclusions and Recommendations**

#### **Officer Identification**

PO Washington was identified by § 87(2)(b) as well as through the motor vehicle accident report, which confirmed she was the officer that responded to the accident in question. PO Washington confirmed that she was familiar with § 87(2)(b) and responded to his car accident.

#### **Undisputed Facts**

On § 87(2)(b), PO Washington responded to a car accident in which § 87(2)(b) was a party, and completed an accident report regarding the incident.

#### **Disputed Facts**

§ 87(2)(b), § 87(2)(g)

#### **Assessment of Evidence**

§ 87(2)(b) filed this complaint six months after the incident occurred. At his CCRB interview, § 87(2)(b) stated that he had a hearing for his car insurance due to the accident on the same day of his interview. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

#### **Allegation A: PO Kimberly Washington threatened to arrest § 87(2)(b)**

§ 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: